

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ABOVENET COMMUNICATIONS, INC.,

Plaintiff,

- against -

A&D DATA CORP.,

Defendants.
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ROBERT P. PATTERSON, JR., U.S.D.J.

On December 15, 2008, upon entry of a default judgment in favor of plaintiff, this Court referred this case to Magistrate Judge Michael H. Dolinger for an inquest as to Plaintiff's damages and costs. On December 29, 2009, Magistrate Judge Dolinger filed a Report and Recommendation recommending that a judgment be entered in favor of Plaintiff Abovenet Communication, Inc. in the amount of \$3,642,036.00 plus pre-judgment interest of \$107,831.26 in damages against Defendant A&D Data Corp. No objections to the Report and Recommendation have been filed.

Decision

The Court has considered Magistrate Judge Dolinger's Report and Recommendation and agrees with the Report's recommendations. Accordingly, it is hereby

ORDERED that the Report and Recommendation issued by Magistrate Judge Michael H. Dolinger on December 29, 2009 is accepted in accordance with 28 U.S.C. § 636(b); and it is further

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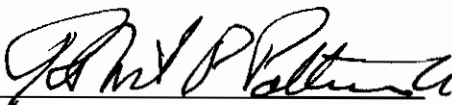
ORDER ACCEPTING MAGISTRATE'S REPORT

ORDERED that, in accordance with the Report and Recommendation issued by Judge Dolinger, a judgment of \$3,749,867.26 for damages and pre-judgment interest be entered in favor of Plaintiff and against Defendant A&D Data Corp.

Since there is no question of substance for appellate review, a Certificate of Appealability will not be issued. Pursuant to 28 U.S.C. § 1915(a)(3), it is hereby certified that no appeal from this order would be taken in good faith. This case is closed.

IT IS SO ORDERED.

Dated: New York, New York
January 15, 2010


Robert P. Patterson, Jr.
U.S.D.J.

Copies of this sent to:

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Magistrate Judge Michael H. Dolinger